

ASSEMBLY BILL

No. 662

Introduced by Assembly Member Hertzberg

February 26, 1997

An act to amend Section 22655.3 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 662, as introduced, Hertzberg. Vehicles: fleeing or evading a peace officer: removal and storage.

Existing law authorizes a peace officer who is pursuing a person who is fleeing or evading that officer in a motor vehicle in violation of specified provisions of the Vehicle Code to remove that vehicle from property other than that of the registered owner of the vehicle for prescribed purposes, and store the vehicle, if the driver abandons the vehicle and leaves it unattended. Existing law prohibits the impoundment of a vehicle pursuant to that provision if the driver is arrested before arrival of the towing equipment or if the registered owner is in the vehicle.

This bill would allow a vehicle to be removed from any property, and stored for a period not to exceed 30 days, if the vehicle is used to flee or evade a peace officer in violation of the above specified provisions of the Vehicle Code, and another prescribed provision of that code, regardless of whether the vehicle is abandoned by the driver. The bill would remove the existing prohibition against impoundment of the vehicle in the case of the driver's arrest or the registered owner's presence in the vehicle.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22655.3 of the Vehicle Code is
2 amended to read:
3 22655.3. (a) Any peace officer, as defined in Chapter
4 4.5 (commencing with Section 830) of Title 3 of Part 2 of
5 the Penal Code, pursuing a fleeing or evading person in
6 a motor vehicle may remove and store, ~~or cause to be~~
7 ~~removed and stored, any~~ a vehicle used in violation of
8 Section 2800.1 ~~or~~ 2800.2 ~~from property other than that of~~
9 ~~the registered owner of the vehicle for the purposes of~~
10 ~~investigation, identification, or apprehension of the~~
11 ~~driver if the driver of the vehicle abandons the vehicle~~
12 ~~and leaves it unattended, or 2800.3 for a period not to~~
13 ~~exceed 30 days.~~ All towing and storage fees for a vehicle
14 removed under this section shall be paid by the owner,
15 unless the vehicle was stolen or taken without permission.
16 ~~No vehicle shall be impounded under this section if the~~
17 ~~driver is arrested before arrival of the towing equipment~~
18 ~~or if the registered owner is in the vehicle.~~
19 As
20 (b) As used in this section, “remove and store a
21 vehicle” means that the peace officer may cause the
22 removal of a vehicle to, and storage of a vehicle in, a
23 private lot where the vehicle may be secured by the
24 owner of the facility or by the owner’s representative.
25 This
26 (c) This section is not intended to change current
27 statute and case law governing searches and seizures.